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7 SUPERIOR COURT OF WASHINGTON  
8 IN AND FOR FRANKLIN COUNTY

9 WASHINGTON TRUST BANK, a  
10 Washington banking corporation,

11 Plaintiff,

12 v.

13 EASTERDAY RANCHES, INC., a  
14 Washington corporation; EASTERDAY  
15 FARMS, a Washington general partnership;  
16 CODY EASTERDAY, individually; DEBBY  
17 EASTERDAY, individually; KAREN  
18 EASTERDAY, individually and in her capacity  
19 as personal representative of the Estate of Gale  
20 Easterday,

21 Defendants.

NO. 21-2-50049-11

DECLARATION OF BURKE D.  
JACKOWICH IN SUPPORT OF  
PLAINTIFF'S MOTION FOR ORDER OF  
DEFAULT AND DEFAULT JUDGMENT  
OR IN THE ALTERNATIVE MOTION  
FOR SUMMARY JUDGMENT

22 I, BURKE D. JACKOWICH, hereby make the following declaration:

23 1. I am one of the attorneys for the Plaintiff in the above-entitled action. I am over  
24 the age of 18 years and I am competent to testify as to the matters set forth herein. I make this  
25 Declaration of my own personal knowledge and belief.

2. That this is an action for breach of contract; and that as more fully appears from  
the files herein, Defendants CODY EASTERDAY, DEBBY EASTERDAY and KAREN  
EASTERDAY were duly served with a copies of the Summons and Complaint herein on

DECLARATION OF BURKE D. JACKOWICH IN  
SUPPORT OF PLAINTIFF'S MOTION FOR ORDER OF  
DEFAULT AND DEFAULT JUDGMENT OR IN THE  
ALTERNATIVE MOTION FOR SUMMARY  
JUDGMENT: 1

3/18/21

LAW OFFICES OF  
**LUKINS & ANNIS, PS**  
A PROFESSIONAL SERVICE CORPORATION  
717 W Sprague Ave., Suite 1600  
Spokane, WA 99201  
Telephone: (509) 455-9555  
Fax: (509) 747-2323

1 January 30, 2021, by personal service. A copy of the Return of Service was filed with the  
2 Court on February 3, 2021.

3 3. Attached hereto as **Exhibits A, B and C** are the Affidavits of Service filed with  
4 the Court.

5 4. Defendants CODY EASTERDAY and DEBBY EASTERDAY retained the law  
6 firm of Sussman Shank, LLP, which filed a Notice of Appearance for attorneys Jeffrey C.  
7 Misley, Thomas Stilley and Laurie R. Hager on February 20, 2021.

8 5. Defendant KAREN EASTERDAY retained attorney Crane Bergdahl who filed a  
9 Notice of Appearance on February 3, 2021.

10 6. I have had several phone calls with Defendants' counsel in an attempt to obtain  
11 Answers to the Complaint. Defendants initially requested additional time to file their Answers  
12 and then requested a phone conference to argue that they should not be required to file Answers  
13 with this Court.

14 7. As of the date of this Affidavit, no Answers have been filed.

15 8. Defendants have failed to Answer the Complaint herein, although more than the  
16 time set forth in the Summons has since elapsed; Defendants are therefore in default.

17 9. Notice of this Motion and Declaration for Order of Default and Default  
18 Judgment, or in the Alternative Summary Judgment was served on Defendant's counsel March  
19 19, 2021 as set forth in the Certificates of Service.

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DECLARATION OF BURKE D. JACKOWICH IN  
SUPPORT OF PLAINTIFF'S MOTION FOR ORDER OF  
DEFAULT AND DEFAULT JUDGMENT OR IN THE  
ALTERNATIVE MOTION FOR SUMMARY  
JUDGMENT: 2

3/18/21

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Fax: (509) 747-2323

1           10.       As of the date of this filing, Lukins & Annis has not received notice of any  
2 bankruptcy filing by CODY EASTERDAY, DEBBY EASTERDAY, or KAREN  
3 EASTERDAY.

4           11.       Outstanding fees incurred in this matter as of February 28, 2021 were  
5 108,254.50, additional fees were incurred and are expected to be incurred in connection with  
6 the enforcement of these Guaranties and the underlying Promissory Note.  
7

8           I hereby declare under penalty of perjury under the laws of the State of Washington that  
9 the foregoing is true and correct to the best of my knowledge and belief.

10          DATED this 19<sup>th</sup> day of March, 2021.

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13 BURKE D. JACKOWICH, WSBA #31722  
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DECLARATION OF BURKE D. JACKOWICH IN  
SUPPORT OF PLAINTIFF'S MOTION FOR ORDER OF  
DEFAULT AND DEFAULT JUDGMENT OR IN THE  
ALTERNATIVE MOTION FOR SUMMARY  
JUDGMENT: 3

3/18/21

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Spokane, WA 99201  
Telephone: (509) 455-9555  
Fax: (509) 747-2323

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26<sup>th</sup> day of March 2021, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Sussman Shank, LLP Jeffrey C. Misley Thomas Stilley Laurie Hager 1000 SW Broadway, Suite 1400 Portland, OR 97205  <i>Attorneys for Cody and Debby Easterday</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy (FAX) <input checked="" type="checkbox"/> Via email
Peter Richter Peter Richter: 200 South Wacker Drive, 31st Floor Chicago, IL 60606 <a href="mailto:prichter@paladinmgmt.com">prichter@paladinmgmt.com</a>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy (FAX) <input checked="" type="checkbox"/> Via email
R. Crane Bergdahl 6119 Burden Blvd., Suite A Pasco, WA 99301 P.O. Box 2755 Pasco, WA 99302 <a href="mailto:cranelaw@msn.com">cranelaw@msn.com</a>  <i>Attorney for Karen Easterday</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy (FAX) <input checked="" type="checkbox"/> Via email
CHS Capital, LLC dba CHSC NM 5500 Cenex Dr. Inver Grove Heights, MN 550077	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy (FAX) <input type="checkbox"/> Via email

DECLARATION OF BURKE D. JACKOWICH IN  
SUPPORT OF PLAINTIFF'S MOTION FOR ORDER OF  
DEFAULT AND DEFAULT JUDGMENT OR IN THE  
ALTERNATIVE MOTION FOR SUMMARY  
JUDGMENT: 4

3/18/21

LAW OFFICES OF  
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A PROFESSIONAL SERVICE CORPORATION  
717 W Sprague Ave., Suite 1600  
Spokane, WA 99201  
Telephone: (509) 455-9555  
Fax: (509) 747-2323

1 U.S. Small Business Administration 2 1545 Hawkins Blvd, Suite 202 3 El Paso, TX 79925 4	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy (FAX) <input type="checkbox"/> Via email
5 Thomas Buford 3 <sup>rd</sup> 6 Bush Kornfeld, LLP 601 Union St., Ste 5000 7 Seattle, WA 98101 <u>tbuford@bskd.com</u> 8 <i>Attorney for Easterday Ranch &amp; Easterday</i> 9 <i>Farms, Inc.</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy (FAX) <input checked="" type="checkbox"/> Via email

  
 SHEANA LOOMIS, Legal Assistant

DECLARATION OF BURKE D. JACKOWICH IN  
 SUPPORT OF PLAINTIFF'S MOTION FOR ORDER OF  
 DEFAULT AND DEFAULT JUDGMENT OR IN THE  
 ALTERNATIVE MOTION FOR SUMMARY  
 JUDGMENT: 5

3/18/21

LAW OFFICES OF  
**LUKINS & ANNIS, PS**  
 A PROFESSIONAL SERVICE CORPORATION  
 717 W Sprague Ave., Suite 1600  
 Spokane, WA 99201  
 Telephone: (509) 455-9555  
 Fax: (509) 747-2323

# EXHIBIT A

COPY  
ORIGINAL FILED

FEB 03 2021

MICHAEL J. KILLIAN  
FRANKLIN COUNTY CLERK

AFFIDAVIT OF SERVICE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

Case Number: 21-2-50049-11

Plaintiff/Petitioner:  
WASHINGTON TRUST BANK, a Washington  
Banking Corporation

vs.

Defendant/Respondent:  
EASTERDAY RANCHES, INC., a Washington  
corporation; EASTERDAY FARMS, a  
Washington general partnership; CODY  
EASTERDAY, individually; DEBBY  
EASTERDAY, individually; KAREN  
EASTERDAY, individually and in her capacity  
as personal representative of the Estate of  
Gale Easterday

For:  
LUKINS & ANNIS, P.S.  
717 W. Sprague Ave  
Suite 1600  
Spokane, WA 99201-0466

Service Documents:  
SUMMONS; COMPLAINT; NOTE FOR  
MOTION DOCKET TO SHORTEN TIME;  
MOTION TO SHORTEN TIME; NOTE  
FOR MOTION DOCKET - MOTION TO  
APPOINT RECEIVER; MOTION TO  
APPOINT RECEIVER; DECLARATION  
OF TIM COBB IN SUPPORT OF  
MOTION TO APPOINT A RECEIVER;  
DECLARATION OF CLAIRE BAKER IN  
SUPPORT OF MOTION TO APPOINT A  
RECEIVER; ORDER GRANTING  
PLAINTIFF'S MOTION TO SHORTEN  
TIME

Received by PRONTO PROCESS SERVICE to be served on CODY EASTERDAY, 830 BELLFLOWER ROAD, MESA, WA 99343.

I, M ALMQUIST, being duly sworn, depose and say that on the 30th day of January, 2021 at 3:30 pm, I:

**\*SUBSTITUTE SERVICE**

That on 1/30/2021 at 3:30 pm at 830 BELLFLOWER ROAD, MESA, WA 99343, I duly served the above described documents in the above entitled matter upon CODY EASTERDAY by then and there at the residence and usual place of abode of said person (s), personally delivering ONE true and correct copy(ies) thereof to and leaving the same with DEBBY EASTERDAY, as CO-RESIDENT, being a person of suitable age and discretion then resident therein who confirmed residence of the party to be served.

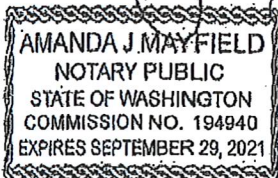
COPY

**AFFIDAVIT OF SERVICE For**

The undersigned, being first duly sworn on oath, deposes and says; That he/she is now and at all times herein mentioned was a citizen of the United States and resident of the State of Service, over the age of eighteen years, not a party to or interested in the above action and competent to be a witness therein.

Subscribed and Sworn to before me on the 31st day of January, 2021 by the affiant who is personally known to me.

*Amanda J Mayfield*  
NOTARY PUBLIC



*M. Almquist*  
M ALMQUIST  
3073

PRONTO PROCESS SERVICE  
114 N 5TH  
Pasco, WA 99301  
(509) 647-1122

Our Job Serial Number: PTO-2021000215  
Service Fee: \$219.65

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# **EXHIBIT B**

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ORIGINAL FILED

FEB 03 2021

MICHAEL J. KILLIAN  
FRANKLIN COUNTY CLERK

**AFFIDAVIT OF SERVICE**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

Case Number: 21-2-50049-11

Plaintiff/Petitioner:  
WASHINGTON TRUST BANK, a Washington  
Banking Corporation

vs.

Defendant/Respondent:  
EASTERDAY RANCHES, INC., a Washington  
corporation; EASTERDAY FARMS, a  
Washington general partnership; CODY  
EASTERDAY, individually; DEBBY  
EASTERDAY, individually; KAREN  
EASTERDAY, individually and in her capacity  
as personal representative of the Estate of  
Gale Easterday

For:  
LUKINS & ANNIS, P.S.  
717 W. Sprague Ave  
Suite 1600  
Spokane, WA 99201-0466

Service Documents:  
SUMMONS; COMPLAINT; NOTE FOR  
MOTION DOCKET TO SHORTEN TIME;  
MOTION TO SHORTEN TIME; NOTE  
FOR MOTION DOCKET - MOTION TO  
APPOINT RECEIVER; MOTION TO  
APPOINT RECEIVER; DECLARATION  
OF TIM COBB IN SUPPORT OF  
MOTION TO APPOINT A RECEIVER;  
DECLARATION OF CLAIRE BAKER IN  
SUPPORT OF MOTION TO APPOINT A  
RECEIVER; ORDER GRANTING  
PLAINTIFF'S MOTION TO SHORTEN  
TIME

Received by PRONTO PROCESS SERVICE to be served on DEBBY EASTERDAY, 830 BELLFLOWER ROAD, MESA, WA 99343.

I, MALMQUIST, being duly sworn, depose and say that on the 30th day of January, 2021 at 3:30 pm, I:

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the above listed documents to:  
DEBBY EASTERDAY at the address of: 830 BELLFLOWER ROAD, MESA, WA 99343, and informed  
said person of the contents therein, in compliance with state statutes.  
Affiant further states, based on the information available, the defendant (s) are not in the military service or  
a dependent of a service member.

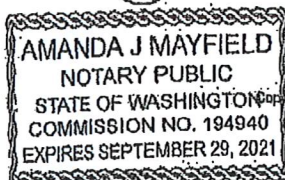
COPY

**AFFIDAVIT OF SERVICE For**

The undersigned, being first duly sworn on oath, deposes and says; That he/she is now and at all times herein mentioned was a citizen of the United States and resident of the State of Service, over the age of eighteen years, not a party to or interested in the above action and competent to be a witness therein.

Subscribed and Sworn to before me on the 31st day of January, 2021 by the affiant who is personally known to me.

*Amanda J Mayfield*  
NOTARY PUBLIC



*M. Almquist*  
M ALMQUIST  
3073

PRONTO PROCESS SERVICE  
114 N 5TH  
Pasco, WA 99301  
(509) 647-1122

Our Job Serial Number: PTO-2021000216  
Service Fee: \$69.65

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# EXHIBIT C

COPY  
ORIGINAL FILED

FEB 03 2021

MICHAEL J. KILLIAN  
FRANKLIN COUNTY CLERK

**AFFIDAVIT OF SERVICE**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

Case Number: 21-2-50049-11

Plaintiff/Petitioner:

WASHINGTON TRUST BANK, a Washington  
Banking Corporation

vs.

Defendent/Respondent:

EASTERDAY RANCHES, INC., a Washington  
corporation; EASTERDAY FARMS, a  
Washington general partnreship; CODY  
EASTERDAY, individually; DEBBY  
EASTERDAY, individually; KAREN  
EASTERDAY, individually and in her capacity  
as personal representative of the Estate of  
Gale Easterday

Service Documents:

SUMMONS; COMPLAINT; NOTE FOR  
MOTION DOCKET TO SHORTEN TIME;  
MOTION TO SHORTEN TIME; NOTE  
FOR MOTION DOCKET - MOTION TO  
APPOINT RECEIVER; MOTION TO  
APPOINT RECEIVER; DECLARATION  
OF TIM COBB IN SUPPORT OF  
MOTION TO APPOINT A RECEIVER;  
DECLARATION OF CLAIRE BAKER IN  
SUPPORT OF MOTION TO APPOINT A  
RECEIVER; ORDER GRANTING  
PLAINTIFF'S MOTION TO SHORTEN  
TIME

For:

LUKINS & ANNIS, P.S.  
717 W. Sprague Ave  
Suite 1600  
Spokane, WA 99201-0466

Received by PRONTO PROCESS SERVICE to be served on KAREN EASTERDAY, 631 BELLFLOWER  
ROAD, MESA, WW 99343.

I, MALMQUIST, being duly sworn, depose and say that on the 30th day of January, 2021 at 9:10 am, I:

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the above listed documents to:  
KAREN EASTERDAY at the address of: 631 BELLFLOWER ROAD, MESA, WW 99343, and informed  
said person of the contents therein, in compliance with state statutes.  
Affiant further states, based on the information available, the defendant (s) are not in the military service or  
a dependent of a service member.

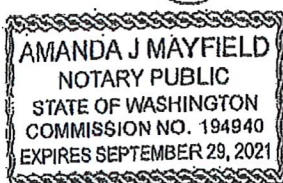
COPY

**AFFIDAVIT OF SERVICE For**

The undersigned, being first duly sworn on oath, deposes and says; That he/she is now and at all times herein mentioned was a citizen of the United States and resident of the State of Service, over the age of eighteen years, not a party to or interested in the above action and competent to be a witness therein.

Subscribed and Sworn to before me on the 31st day  
of January, 2021 by the affiant who is personally  
known to me.

*Amanda J Mayfield*  
NOTARY PUBLIC



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*M. Almqvist*  
M ALMQUIST  
3073

PRONTO PROCESS SERVICE  
114 N 5TH  
Pasco, WA 99301  
(509) 547-1122

Our Job Serial Number: PTO-2021000217  
Service Fee: \$219.65